

V. REMARKS

The drawings are objected to under 37 C.F.R. §1.84(p) (5) because they include a reference character "35a" that is not mentioned in the specification. Based upon the original specification, the specification is amended on line 3, on page 43, by adding after "the fading 31" the phrase "at reference 35a". Withdrawal of the objection is respectfully requested.

The Examiner requires a substitute specification so that it reads in proper idiomatic English and is in compliance with 37 CFR 1.52 (a) and (b). In response, a clean version of a substitute specification and a marked-up version of the substitute specification are filed herewith to address the Examiner's concerns.

Claims 3, 8, 9, 11, 13 and 14 are objected to because of informalities. The claims are amended to obviate the objection. Withdrawal of the objection is respectfully requested.

Claims 4, 10, 13 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The claims are amended to obviate the rejection. Withdrawal of the rejection is respectfully requested.

Claims 1-5, 8-10, 12, 13, 15 and 16 are rejected under 35 U.S.C. 102(b) as anticipated by DuMond (U.S. Patent No. 2,133,606). Claims 1-5, 8, 9, 12, 13, 15 and 16 are rejected under 35 U.S.C. 102(b) as anticipated by Catlin (U.S. Patent No. 1,997,676). Claims 1, 2, 8-10, 12, 13 and 14 are rejected under 35 U.S.C. 102(b) as anticipated by Carter (U.S. Patent No. 3,737,698). Claims 1-4, 11, 12 and 16 are rejected under 35 U.S.C. 102(b) as anticipated by Price et al. (U.S. Patent No. 6,560,315). Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as unpatentable over DuMond in view of Hirokawa et al. (U.S. Patent No. 5,134,640). Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as unpatentable over Catlin in view of Hirokawa et al. (U.S. Patent No. 5,134,640). The rejections are respectfully traversed.

Hirokawa et al. discloses a piezoelectric device as drive means for driving an X-ray mirror or X-ray beam window. However, the piezoelectric device of this

reference merely drives the mirror or window to change the direction of an X-ray beam emitted. On the other hand, the piezoelectric device of the present invention is different in that it vibrates the target itself that generates X rays.

Hirokawa et al. contains hardly any description regarding the characteristic, effect or function of the piezoelectric device, and thus cannot motivate a person skilled in the art. The present invention provides a construction having a piezoelectric device for vibrating the target itself. As described in the specification, this produces unique advantages of the present invention that no magnetic field is formed, and hence no adverse influence on the electron beam, and that the device is operable at high speed and capable of minute displacement in the order of microns.

For the reasons noted above, it is respectfully submitted that the novelty and unobviousness of the present invention cannot be denied on the grounds of any of the references cited. Further, it is respectfully submitted that none of the applied art, alone or in combination, teaches or suggests the features of claim 1 as now claimed. Thus, it is respectfully submitted that one of ordinary skill in the art would not be motivated to combine the features of the applied art because such combination would not result in the claimed invention. As a result, it is respectfully submitted that claim 1 is allowable over the applied art.

Claims 2-5 and 7-16 depend from claim 1 and include all of the features of claim 1. Thus, it is respectfully submitted that the dependent claims are allowable at least for the reason claim 1 is allowable as well as for the features they recite.

Claim 6 is canceled and therefore the rejection as applied thereto is now moot.

Newly-added claim 17 also includes features not shown in the applied art.

Further, Applicants assert that there are also reasons other than those set forth above why the pending claims are patentable. Applicants hereby reserve the right to submit those other reasons and to argue for the patentability of claims not explicitly addressed herein in future papers.

In view of the foregoing, reconsideration of the application and allowance

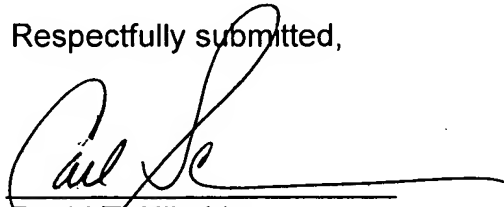
of the pending claims are respectfully requested. Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' representative at the telephone number listed below.

Should additional fees be necessary in connection with the filing of this paper or if a Petition for Extension of Time is required for timely acceptance of the same, the Commissioner is hereby authorized to charge Deposit Account No. 18-0013 for any such fees and Applicant(s) hereby petition for such extension of time.

Respectfully submitted,

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Enclosure(s): Amendment Transmittal
 Clean version of Substitute Specification
 Marked-up version of Substitute Specification

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